IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 10 OF 2005.

Shri Dinkar K. Patil,
son of late Kashinath Patil,
aged 45 years, married,
business, resident of
Santa Cruz, Ponda, Goa. .... Applicant.

Versus

1. The State of Goa,
through Public Prosecutor,
Panaji, Goa.

2. The Police Inspector,
Ponda Police Station,
Ponda, Goa. .... Respondent.

Shri S. Nayak, Advocate for the Applicant.

Ms. W. Coutinho, Additional Public Prosecutor for the State/Respondent.

CORAM: N. A. BRITTO, J.

DATE: 17th February, 2005.

ORAL ORDER:

Heard Shri Nayak, the learned counsel of the applicant-accused involved in Crime No.20/05 of Ponda Police Station registered under Sections 326, 504, 506(ii) r/w S.34 I.P.C.

2. Shri Nayak, the learned counsel submits that the applicant/accused was

not present in his office on the date and time when the alleged incident took place on 22.1.05. It is his submission that as can be seen from the documents produced on behalf of the said accused, he was admitted in Hospital from 20.1.05 and was discharged from S.R.T.R. Medical College only on 24.1.05. The learned Sessions Judge, as far as this aspect of the case is concerned, has rightly noted that the statements of the first informant, the injured and other witnesses prima facie indicated that the applicant/accused was involved in the said incident and the genuineness of the documents produced on behalf of the applicant/accused could be gone into at the stage of trial. However, the fact remains that the accused did appear before this Court on 7th instant and filed an affidavit in support of the bail application and this shows that the applicant was available in town. The fact remains that three of the other accused who were involved in the same incident along with this accused were ordered to be released on bail by this Court, after Court hours on 14th instant after it was represented that their presence was no longer required in custody. Reasons in support of the said Order releasing the accused on bail have been given today, separately.

3. Considering the facts stated in the said Order of this Court dated today in Cr. Misc. Application Nos. 11, 12 and 13 of 2005, in my view no useful purpose would be served by first taking the present

applicant/accused in custody and then ordering his release on bail as the investigations of the case are completed. If further investigations are required to be done, the presence of the accused/applicant would certainly not be required in custody.

4. In my view, therefore, this is a fit case to admit the applicant/accused to bail. The applicant/accused shall be released on bail upon execution of a Bond of Rs.5000/- with one surety in the like amount to the satisfaction of the I.O. in the event of his arrest, with a further condition that the applicant/accused shall attend interrogation at the Police Station for one day as required by the I.O. between 9.00 a.m. to 1.00 p.m.

5. Application disposed of on the above terms.

N. A. BRITTO, J.

sl.